APPROVED MINUTES* SUNNYVALE CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING TUESDAY, JUNE 23, 2009

(Directly following this meeting a Redevelopment Agency Meeting was held)

5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)

Closed Session pursuant to Government Code Section 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR; Property: Sunnyvale Town Center; Negotiating Parties: Gary Luebbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC; Under Negotiation: Terms of ARDDOPA

6:30 P.M. SPECIAL COUNCIL MEETING (Study Session)

Study Session Presentation: Intergovernmental Relations Update - postponed

7 P.M. COUNCIL MEETING

CALL TO ORDER

SALUTE TO THE FLAG

Mayor Spitaleri led the salute to the flag.

ROLL CALL

PRESENT: Mayor Anthony Spitaleri

Vice Mayor Christopher Moylan Councilmember John Howe Councilmember Ron Swegles Councilmember Melinda Hamilton Councilmember David Whittum Councilmember Dean Chu

ABSENT: None

STAFF PRESENT: City Manager Gary Luebbers

Assistant City Manager Robert Walker

City Attorney David Kahn

Director of Community Development Hanson Director Hom

Transportation and Traffic Manager Jack Witthaus

Budget Analyst Drew Corbett

^{*}Approved by Council July 28, 2009

Redevelopment Manager Brice McQueen Arts Supervisor Diane Moglen Director of Community Services David Lewis Director of Finance Mary Bradley Assistant Director of Public Works Mark Rogge City Clerk Kathleen Franco Simmons

CLOSED SESSION REPORT

Vice Mayor Moylan reported Council met earlier in Closed Session pursuant to Government Code Section 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR; Property: Sunnyvale Town Center; Negotiating Parties: Gary Luebbers, Agency Director; Peter Pau and Ashley Powell, Sunnyvale Mixed Use LLC; Under Negotiation: Terms of ARDDOPA

Vice Mayor Moylan reported that direction was given, but no action was taken.

SPECIAL ORDERS OF THE DAY

City Clerk Kathleen Franco Simmons administered the Oath of Office to newly-appointed members of the City's boards and commissions.

Mayor Spitaleri presented a proclamation to the Sunnyvale Community Services Department recognizing "July as Parks and Recreation Month" and July 4 as the "Day to Play".

PUBLIC ANNOUNCEMENTS

Mayor Spitaleri announced the City is currently accepting Community Award nominations for outstanding members of the community. The awards will be presented at the Mayor's State of the City event in September.

Councilmember Howe announced the upcoming *Dinner at the Dump* event.

Vice Mayor Moylan announced an upcoming tour of the Stevens Creek Trail in Mountain View, which will allow interested community members an opportunity to view the trail and determine if such a trail was extended into Sunnyvale.

Councilmember Chu announced the United States Men's Volleyball Team will play in an exhibition match against the China Men's Volleyball Team at the San Jose State Sporting Events Center.

Robert Relyea from Trinity Church announced upcoming July 4th activities at the church.

PRESENTATION

A representative from the Santa Clara Valley Health and Hospital System made a presentation to Council.

CONSENT CALENDAR

Mayor Spitaleri stated he needed to leave the dais briefly and turned over the meeting temporarily to Vice Mayor Moylan.

Arthur Schwartz requested to pull Item 1.H. from the Consent Calendar.

MOTION: Councilmember Howe moved and Councilmember Whittum seconded to approve the Consent Calendar with the exception of Item 1.H.

VOTE: 6-0 (Mayor Spitaleri absent)

- 1.A Approval of Council Meeting Minutes of May 21, 2009
- 1.B Approval of Information/Action Items Council Directions to Staff

Fiscal Items

1.C RTC 09–161 List of Claims and Bills Approved for Payment by the City Manager – List No. 457 & 458

Staff Recommendation: Council review the attached lists of bills.

1.D RTC 09–169 Authorization to Modify an Existing Contract for the Security Access Control System (F0804-69) and Approval of Budget Modification No. 35

<u>Staff Recommendation</u>: Modify an existing contract with AEC Alarms by increasing the not-to-exceed amount by \$9,318 and approve Budget Modification No. 35.

1.E RTC 09-170 Approval and Appropriation of Department of Director Homeland Security Training Funds and Budget Modification No. 40

<u>Staff Recommendation</u>: Alternative 1: Approve and appropriate the SUASI funding, the EMPG grant funding, and Budget Modification No. 40.

Contracts

1.F RTC 09–165 Amendment of Outside Counsel Agreement for Litigation Advice and Services

<u>Staff Recommendation</u>: Approve the Amendment to Outside Counsel Agreement to increase amount not to exceed \$250,000.

Contracts: Sunnyvale Works!

1.G RTC 09–171 Award of Sunnyvale Works! Bid No. F0804-66 for the Rehabilitation of Water Pollution Control Plant Digester No. 4

<u>Staff Recommendation</u>: Award a contract, in substantially the same for as the attached draft and in the amount of \$2,220,000 to Anderson Pacific Engineering Construction, Inc. for the rehabilitation of WPCP Digester No. 4, and approve a project contingency in the amount of \$333,000.

1.H RTC 09–172 Award of Sunnyvale Works! Bid No. F0805-77 for Reconstruction of Curbs, Gutters, Sidewalks and Driveway Approaches

Public comments opened.

Arthur Schwartz stated the lip section of a driveway approach is an extreme danger to bicyclists and the City has removed this requirement; however, the lip is still being installed at several projects. Schwartz requested staff enforce the no lip design.

Public comments closed.

Mayor Spitaleri returned to the dais and Vice Mayor Moylan turned the meeting over to Mayor Spitaleri.

MOTION: Councilmember Howe moved and Councilmember Whittum seconded to approve Alternative 1: Award a contract, in substantially the same format as the attached draft, in an amount not to exceed \$448,148, to Nor-Cal Concrete, Inc., for the subject project, and authorize the city manager to execute the contract when all necessary conditions have been met.

Councilmember Howe explained that there are a number of items on the Consent Calendar that are part of the new program, *Sunnyvale Works*. Councilmember Howe stated this is a new program designed by the city manager and Council as a way to assist the community with employment by accelerating some of the public works projects. Councilmember Howe stated the City has been able to average between 40 and 60 percent off the costs of doing these projects from last year's projections. Councilmember Howe stated this program will benefit the City greatly.

VOTE: 7-0

1.I RTC 09–173 Award of Sunnyvale Works! Bid No. F0805-74 for Exterior Painting of Water Tanks

<u>Staff Recommendation</u>: Award a contract in the amount of \$787,430 to Olympus & Associates and approve a project contingency of \$78,743.

1.J RTC 09–174 Award of Sunnyvale Works! Bid No. F0805-75 for Water Pollution Control Plant Primary and Lab Buildings HVAC Renovation and Primary Building Roof Replacement

<u>Staff Recommendation</u>: Award a contract in the amount of \$778,500 to Environmental Systems and approve a project contingency of \$77,850.

Other Items

1.K RESOLUTION RTC 09–143 Resolution Calling a General Municipal Election for November 3, 2009 for the Election of Councilmembers for Seat Numbers 1, 2 and 3; and Requesting Consolidation of the Election with the County of Santa Clara Registrar of Voters

<u>Staff Recommendation</u>: Adopt the resolution calling the General Municipal Election for the purpose of filling elective offices, November 3, 2009 and requesting consolidation and provision of election services by the Santa Clara County Registrar of Voters.

1.L RTC 09-167 Approval of Final Map (Tract No. 9973) - Four Unit Townhomes and One Common Lot at 834-840 Maria Lane by Maria Lane, LLC.

<u>Staff Recommendation</u>: Approve the final map for Tract No. 9973; authorize the Mayor to sign the subdivision agreement upon: developer's signatures, submittal of improvement securities, payment of development fees, and submittal of improvement securities, payment of development fees, and submittal of other documents deemed necessary by the Director of Public Works; direct the city clerk to sign the city clerk's statement; and direct the city clerk to forward the final map for recordation.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

Beth Schecter, Director of Jewish Family and Children Services, requested Council sign a letter advocating for the organization, First 5, to continue their support of the Family Ambassador Program. Schecter explained the organization, First 5, is meeting soon to decide on their ability to continue to assist with funding of community based programs such as the Family Ambassador Program.

Noliemi Torres, Nancy Newkirk, and Aude (no last name listed), spoke in support of the Family Ambassador Program and the continuation of First 5's involvement with the program.

Mayor Spitaleri stated he will sign the letter as requested by Schecter and will do whatever he can to make sure the Family Ambassador Program continues in Sunnyvale.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 09-160 Request by Staff for Continuation of 2008-0861 - Creation of Eichler Design Guidelines (Study Issue)

Director Hanson Hom requested Council move this item to the July 28, 2009 Council meeting in order to assist with agenda management.

Public hearing opened (time not recorded).

No speakers.

Public hearing closed (time not recorded).

MOTION: Councilmember Swegles moved and Councilmember Chu seconded to continue this item to July 28, 2009.

VOTE: 7-0

3. ORDINANCE RTC 09–163

2007-1293 - Palo Alto Medical Foundation [Applicant/Owner]: Application for related proposals on six sites at 301 and 401 Old San Francisco Road, and 420, 428, and 448 Kenney Court in an R-2/O/PD (Low-Medium Density Residential with and Office/Planned Development Combining District) Zoning District;

*Certify Final Environmental Impact Report and adopt Statements of Overriding Consideration,

*Introduction of an ordinance to rezone from r-2/O/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) to PF/PD (Public Facilities/Planned Development)

*Special Development Permit to allow development of a 120,000 sf. medical clinic, a two level parking garage, and a storage building.

Community Development Director Hom presented the staff report along with a power point presentation.

Councilmember Howe inquired whether Council gave direction to staff for further outreach into the community about this item. Director Hom responded that staff held weekly meetings with the applicant and residents regarding this project.

Councilmember Howe inquired if Council had previously requested increased notification, more than what is required by law. Director Hom verified that Council did request expanded posting and staff increased posting to include residents within 500 feet of the project. Director Hom explained that staff also noticed all residents on Bayview Avenue and Carroll Street, up to Olive Avenue, which is beyond the 500 feet noticing area. Councilmember Howe verified with Director Hom that all noticing also included tonight's Council meeting.

Councilmember Whittum stated this project will create significant noise impacts on the surrounding schoolroom and residents; therefore, staff has proposed to adopt a Statement of Overriding Circumstances. Councilmember Whittum stated that mitigation efforts should be considered. Director Hom explained that the Environmental Impact Report (EIR) includes a number of mitigation measures which address construction noise; however, the report does not evaluate the option of requiring the applicant to pay for the retrofitting of homes in order to comply with interior nose standards. Director Hom explained that the construction noise impact is of a limited duration.

Councilmember Whittum stated staff identified that if the school windows are closed, the noise impact is reduced, and questioned if closed windows would be a possibility for the school or do they need to be open for a reason. Director Hom responded that is an issue staff would need to address further. Director Hom stated the school lies outside of the 60 decibels (dBA) area.

Councilmember Whittum questioned if it is feasible for the applicant to move the generator away from the front of the homes and Director Hom explained there are some difficulties in relocating the generator including zoning code issues.

Councilmember Whittum stated there is one garage vent which is pretty close to the lot line and inquired if it could be moved. Director Hom responded that staff has included a condition which would allow the vent to be moved; however, approximately six parking spaces would be lost.

Councilmember Whittum inquired whether it is staff's opinion that this project complies with the neighborhood, adjacent land uses, and transportation system. Director Hom stated staff does agree this project complies for several reasons such as: the building size has been reduced significantly, to a two story building; the project is located a considerable distance away from adjacent residents; significant mitigation measures have been identified that will address nose issues, and the traffic analysis concluded that the traffic from this project will not have an impact on the four-way stop at Bayview.

Councilmember Whittum discussed with Director Hom the requirements for masonry walls and noise barriers.

Councilmember Whittum inquired if the applicant had agreed to not allow construction work on Saturdays and Director Hom responded that the Planning Commission had mentioned Saturday hours were an issue, but did not address it as a condition of approval.

Councilmember Whittum inquired if the loading dock area is shielded from noise and Director Hom responded that he is not sure of the grade relationship to the adjacent residential. Director Hom stated he would defer to the applicant.

Councilmember Whittum inquired whether the applicant objected to transit measures being imposed. Transportation and Traffic Manager Jack Witthaus responded staff typically defines the goal for transportation demand management measures, and allows the applicant to select the measures to accomplish that goal.

Councilmember Whittum inquired as to the reasoning behind why existing Class A office space was not selected for this project. Director Hom explained other sites were reviewed; however, a medical office building requires more specialized building space such as a certain ceiling height and other requirements that Class A office space would not be able to offer.

Councilmember Whittum disclosed that he previously met with the applicant, Rich Slavin; attended several meetings, both with the neighbors and the Palo Alto Medical Foundation (PAMF), and met with a few neighbors. Councilmember Whittum stated that he also has equity interest in a company that he works for which sells radiations therapy equipment; however, it is his understanding that this does not represent a financial conflict of interest.

Councilmember Swegles stated the Planning Commission minutes indicate that the applicant/developer must contribute up to \$50,000 to the City for the design and construction of neighborhood traffic calming measures. Councilmember Swegles verified with Director Hom that condition has been included in the conditions of approval.

Councilmember Chu inquired if discussion has occurred with the Santa Clara Valley Transportation Authority (VTA) regarding possible rerouting of their buses in order to reduce traffic in the residential area. Manager Witthaus stated the VTA is aware of the project; however, there has not been any discussion regarding changing their bus routes.

Councilmember Chu verified with Director Hom that relocating the generator would result in the loss of some parking spots and create a slight deficiency in meeting the parking requirements.

Councilmember Chu inquired about the fan noise from the generator and Director Hom requested the noise consultant speak about this issue. The noise consultant, explained the exhaust fan noise levels range from 61 to 69 dBA when the fans are operating, which exceeds the City's daytime standard of 60 dBA. The consultant stated if acoustical louvers were installed they could reduce the noise level by about 12 dBA, which would meet the City's daytime noise level. Director Hom added the applicant must meet noise standards and there is a requirement for noise insulation, which the applicant has stated can be met.

Councilmember Chu verified with Director Hom that staff's current understanding is the generator is tested one hour per month; however, the applicant may share additional information indicating that the generator is tested on a higher frequency basis.

Councilmember Chu verified with Director Hom that the generator is run on diesel.

Councilmember Chu verified with Manager Witthaus that currently a u-turn is not allowed from southbound Sunnyvale Avenue to northbound Sunnyvale Avenue. Manager Witthaus explained if a u-turn was allowed it would facilitate travel from southbound Sunnyvale to Old San Francisco Road. Staff identifies this change as feasible; however, the intersection is controlled by CalTrans and they would ultimately need to approve any change to this intersection.

Director Hom explained the Planning Commission recognized there would be complexities in approving a u-turn in this area; therefore, they recommended a left-hand turn as an alternative and recognized a back up option might be necessary should the left-hand turn not be approved.

Councilmember Chu questioned the closing of streets and verified with Manager Witthaus that staff is attempting to balance a City policy requiring reduction of non-neighborhood traffic on residential streets with a separate City policy encouraging safe, convenient, and effective travel on the City's roadways. Staff has tried to define a balance between the two policy objectives, which has been to utilize measures that discourage non-neighborhood travel such as traffic calming and bulb-outs. Staff is attempting to discourage non-neighborhood traffic and yet still allow access.

Councilmember Chu questioned why the EIR offered an alternative to close Bayview but not Carroll Street and Manager Witthaus explained that the applicant originally proposed to close Bayview, which is why that alternative was reviewed in the EIR.

Councilmember Chu verified with Manager Witthaus that the EIR did not address making a left turn off Sunnyvale Avenue onto Old San Francisco Road.

Councilmember Hamilton disclosed she met with both the applicant and the neighborhood regarding this project.

Councilmember Chu disclosed he met with both the applicant and the neighbors on various occasions regarding this project. Councilmember Chu disclosed he read all the emails from those in the neighborhood as well as emails from residents living outside the neighborhood.

Mayor Spitaleri disclosed he met with the applicant and citizen representatives of the CARz group.

Vice Mayor Moylan stated he has a similar disclosure as Mayor Spitaleri and thanked staff for answering his questions ahead of time.

Public hearing opened at 8:21 p.m.

Richard Slavin, President of PAMF Camino Division, spoke about the project. Slavin explained that a larger building was designed initially; however, after spending a significant amount of time with the neighbors, the building and parking structure were significantly reduced. Slavin urged Council's approval of this project in order to meet the needs of the community.

Curtis Snyder, Project Architect, offered a slide presentation of the project and stated the project has been enhanced by the comments from the neighbors.

Vice Mayor Moylan stated the former version of this clinic operated effectively in the neighborhood for over 50 years and verified with Snyder that the former facility was a two-story building and did not have obscured glass on the second floor. Vice Mayor Moylan verified with Slavin that the hours of the former facility were from 7 a.m. to 10 p.m., seven days a week.

Councilmember Chu stated the old facility encompassed 72,000 square feet and the new proposed facility will be 120,000 square feet. Councilmember Chu inquired what the staffing levels would be for the new facility. Slavin responded that allocation of space for the new equipment required a larger space and the new radiology space is three times as large in this building as compared to the old building. The other major change is in the Cancer Center where there are large pieces of equipment that also take up a lot of space along with the center itself. Slavin stated he does not have the data regarding the increase in staffing that will be needed. Councilmember Chu stated the space is increasing by approximately 60 percent and questioned if staffing will be increased by approximately 50 percent. Slavin stated he expects staffing to be increased by about 40 percent.

Councilmember Chu verified with Slavin that this new facility would be half the size of the Mountain View facility.

Councilmember Chu inquired what the parking requirements are for the PAMF facility in Mountain View and Snyder responded that the parking ratio in Mountain View is 4.44 per thousand as opposed to 5 per thousand in Sunnyvale.

Councilmember Chu verified with Slavin that if the generators were moved and six parking spots were lost, the parking ratio would then equal the parking ratio at Mountain View.

Councilmember Chu inquired if there have been parking problems at Mountain View. Slavin responded parking on the street is not allowed by patients or staff at Mountain View and in order to accommodate all parking, the parking deck and below ground parking are all utilized.

Councilmember Chu verified with Snyder that fencing on Kenny Court between the parking structure and the street is not included in the proposal. Slavin stated there will be an eight foot fence surrounding behind the 401 building and will continue behind the facility.

Councilmember Chu verified with Snyder that the Planning Commission requested a modification to the parking structure in order to prevent light leakage into the neighborhood. Snyder presented a drawing and gave an explanation of a proposed revision to correct the parking structure and satisfy some of the concerns of the neighbors with lighting; however, they would still need to work with staff.

Councilmember Whittum inquired if it was found necessary to retrofit some of the homes, would the applicant deem that as a feasible correction. Snyder responded that option would need to be looked at closely along with the cost.

Councilmember Whittum verified with Snyder that the cost scale of the project is approximately 120 million.

Councilmember Hamilton verified with Snyder that obscure windows have only been recommended for the third floor because obscure glass is not needed on the second story, due to the significant landscaping buffer.

Councilmember Whittum inquired if the applicant would be willing to move the diesel generator and exhaust fans. Snyder asked Architect Hawley Mahlstedt to respond. Mahlstedt presented Council with an overview slide as to where the generator will be located at the site and explained the steps that are being taken to reduce the noise levels. Mahlstedt explained the generator will meet the City's daytime and nighttime noise ordinance and also meets the United States and State of California requirements for emissions. Mahlstedt gave an explanation and showed an overview slide of the garage vents. A discussion ensued between Mahlstedt and Councilmember Whittum regarding vent placement.

Councilmember Whittum questioned whether it would be feasible to place the generator and exhaust fans elsewhere and Mahlstedt responded that it is unfeasible to place the vents on the south side of the property for several reasons. The generator is most suitable where it is proposed due to the proximity of the electrical distribution and for access reasons. Mahlstedt stated the proposed location of the generator is optimal.

Councilmember Whittum questioned Mahlstedt that if the generator and vents were found to be incompatible with adjoining uses, would he agree to move these items or prefer not to see the project be approved. Snyder and Mahlstedt responded that they would work with staff to move these items if they were found to be incompatible.

Director Hom requested James Wright, air quality consultant, brief Council on the air quality analysis that was performed. Wright stated the generator and exhaust vents were reviewed and it was identified that there were not any violations of the air quality standards.

Don Holthaus spoke in favor of project, stated the medical facility is badly needed in Sunnyvale, and urged Council to approve the new PAMF facility.

Nancy Tivol spoke in favor of the PAMF facility and the need for such a facility in Sunnyvale. Tivol stated she understands the neighbors' concerns regarding traffic and parking; however, the modified plan seems to have addressed those concerns. Tivol stated if the facility were not built, the likely replacement project would be an apartment building, which would generate much more traffic, have a higher footprint, and would still have many of the same issues. Tivol urged Council to approve this project.

Genie Florczyk, Principal of St. Martin School, thanked Council for the concern they have shown regarding the school and the noise from the proposed construction. Florczyk stated the modifications have addressed the concerns of the neighbors. Florczyk explained the school does not have air conditioning and therefore the windows do need to open. Florczyk would support PAMF retrofitting the school with air conditioning; however, if that is not possible, they will deal with the construction noise. Florczyk stated she supports the project and would like to have a medical facility nearby the school.

Councilmember Howe inquired if Florczyk had reviewed the mitigation efforts for construction and Florczyk responded that the school has dealt with construction issues previously such as an adjacent building to the school which underwent demolition and a new control center was constructed. The children did very well with the noise due to the high expectations from the City for noise mitigation requirements regarding construction projects.

Mei-Ling Stefan suggested the new facility be located within walking distance from a transit center and downtown instead of in a neighborhood. Stefan stated transportation issues would therefore be solved.

Bert Walters, member of CARz group, thanked those Councilmembers who met with the CARz group and discussed their concerns. Walters stated through Council's efforts, concessions have been made by PAMF; however, there are more that need to be made. Walters stated he still has concerns over noise, traffic, safety and pedestrian problems. Walters requested Council add Olive Avenue along with Bayview and Carroll and for noise abatement issues.

Mary Adamson, member of the CARz group, stated the nearby two schools and the senior center will be affected by the construction noise. Adamson stated she has concerns over the air quality from the project. Adamson stated she is not against the clinic; however, she does not feel it meets the needs of Sunnyvale.

Josh Martin, member of CARz group, stated the group does not support a zoning change for this area. Martin expressed concerns with the traffic analysis and requested further studies be conducted. Martin stated he is against this project until approval is received for the traffic mitigation for Carroll Street and Bayview Avenue. Martin stated the CARz organization wants the project approval to be linked to approval of a left-hand turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road. Martin stated if Council is not willing to approve that, then member of CARz are requesting Council approve temporary closure of Bayview Avenue and Carroll Street. Martin requested Council approve the beginning of a traffic mitigation plan.

Jeni Pfeiffer, member of CARz, stated PAMF agreed to install opaque glass on the north side of the building and requested Council insure PAMF abide by their promise. Pfeiffer requested the generator and exhaust fans be moved away from the residential lot line to Old San Francisco Road due to air quality concerns.

Ken Rheaume, member of CARz, stated he is concerned over hours of operation and conditions of approval for construction traffic. Rheaume stated the group requested that PAMF's general hours of operation be from 7 a.m. to 7 p.m., Monday through Friday, with the public posted hours being from 8 a.m. to 6 p.m. Rheaume stated the group is also requesting that construction trucks be prohibited from using Bayview or Carroll.

Judy Blair, member of CARz, expressed concerns over the project's traffic impacts on her neighborhood and provided overhead maps to illustrate her concerns. Blair requested Bayview Avenue and Carroll Street be temporarily closed until the left-hand turn land from Sunnyvale Avenue is operational.

Tynna Jones, member of CARz, stated she submitted to the City signatures from neighbors in support of aggressive traffic mitigation efforts, including closure of some streets.

Kevin Shives, member of CARz, stated Olive Avenue is an area that should be included in the traffic mitigation efforts, even though the EIR left it out of the report. Shives gave a slide presentation on why Olive Avenue should be included. Shives stated if PAMF is not ready to move forward, the CARz group recommends that Council delay approval of the project until the traffic study has been approved.

Councilmember Hamilton verified with Shives that he collected his data via a video camera set up in the area of Olive Avenue between Bayview and Central.

Gustav Larrson, member of CARz thanked PAMF for meeting the neighbors halfway. Larrson expressed concerns over traffic issues and stated support for Alternative 8a, including the street closure options due to the uncertainty of the left-hand turn and bulbouts.

Jeff Jones, member of CARz, stated he previously submitted a request that Mayor Spitaleri and Councilmember Hamilton refrain from voting on this issue due to the fact they both live on streets that are closed by the City for traffic management. Jones stated the EIR should not be certified this evening as there are many errors throughout the traffic impact analysis section of the EIR. Jones requested the EIR be returned to City staff for revisions. Jones detailed errors he believes the report contains.

Cynthia Cotton explained her health issues and how she was able to use public transportation to get to the Sunnyvale medical facility for all of her cancer treatments. Cotton stated she also uses the City buses to get to work. Cotton explained that for the radiation portion of her therapy she had to drive and expressed how difficult it was to get to that facility. Cotton expressed support for a combined facility where public transportation is close by and available from many areas. Cotton expressed the need for a full cancer facility in this area.

Dan Lorain expressed concerns over parking enforcement at the previous facility. Lorain stated the proposed parking plan is a good start; however, the plan needs revisions as many issues still exist.

Eleanor Hansen stated there are alternatives to this project. She stated that although she does not live in the area, she recognizes the traffic concerns of the neighbors, which need to be addressed.

Robert Harvey, member of CARz, expressed concern regarding the ability to have good access to this facility from nearby roads. Harvey stated he supports the need for a left-hand turn from Sunnyvale to Old San Francisco Road.

Diane Harvey, member of CARz, stated the project is flawed in many ways and gave examples of her concerns.

Kim Martin, member of CARz, expressed her concerns with the project and increased traffic. Martin requested Council ensure funds are set aside to install the traffic calming measures, specifically installation of the left-hand turn lane, before the project is approved. Martin requested both Bayview Avenue and Carroll Street be closed and a traffic study be conducted.

Robert Varesio expressed concern over the exhaust vents and urged Council to adopt the staff recommendation to relocate the vents away from the residences. Varesio also expressed safety concerns over head-in parking along the northern boundary of the 301 parcel. Varesio urged Council to reject the head-in parking or insist that the boundary fence be of sufficient structural integrity to preclude vehicle operator error.

Paula Reed stated she supports PAMF facility. Reed explained that the center will be state of the art and spoke of the benefits of having a complete cancer center. Reed requested Council support this project.

Helen Gettinger spoke in support of PAMF in the Sunnyvale area.

Tracy Willard, member of CARz, stated she supports the project as long as PAMF is sensitive to the needs of the surrounding community. Willard expressed concern over traffic impacts to the neighborhood.

Arthur Schwartz expressed support of the proposed project and complimented PAMF for working with the neighbors regarding their concerns. Schwartz stated he supports the street closure for Carroll Street and Bayview Avenue with an allowance for emergency vehicles only. Schwartz stated staff should be working with CalTrans presently to install the left-hand turn as it is needed, and not waiting for approval of this project. Schwartz stated a u-turn would not be a good idea as it slows down traffic.

Michael Garcia, representing his parents who live right next to the proposed project requested that PAMF replace his parent's windows or add air conditioning to their home due to their advanced age and physical condition. Garcia presented a stack of complaint letters from neighbors about parking issues that existed with the previous facility. Garcia stated he is concerned over the hours of construction and demolition.

Kristin Beardsley, member of CARz, thanked City staff for working with the CARz group. Beardsley expressed concern with the exhaust vent location. Beardsley stated the CARz group is requesting that PAMF install opaque glass on the second and third stories because the patients' waiting room faces the neighborhood. Beardsley requested Council add a condition of approval to re-route the bus routes as they heavily impact Carroll Street.

Penny Hutchinson expressed concern over traffic and street safety on Bayview. Hutchinson requested Council consider a complete traffic study for the entire neighborhood with plans available for the public to review.

Michael Wereloh spoke about traffic concerns and proposed to close Bayview, Carroll and Central. Wereloh noted the only opponent to the street closures is the City of Sunnyvale.

Joseph Dittberry, member of CARz, stated concerns over privacy and requested the north facing windows be mitigated.

Garrett McGonigal stated he is in support of the proposed project in concept; however, he has the same concerns as the CARz group, in particular the traffic issues. McGonigal stated a traffic study needs to be completed along with staff need to work with CalTrans on installing the left-hand turn.

Aman Valani, member of CARz group, stated PAMF should assist with some of the expense of installing the left-hand turn. Valani expressed concern over lighting from the building, noise level from the parking structure, exhaust fumes, and privacy issues. Valani requested Council consider moving the generators and exhaust vents.

Karen Reilly stated concerns over the location of the proposed clinic and requested a more suitable site be researched.

Applicant Slavin requested Council's approval of the staff recommendation and noted the Planning Commission's unanimous approval of this project. Slavin stated nothing contained in the EIR suggests a left-hand turn lane off of Sunnyvale Avenue is necessary. Slavin offered support for the City further traffic reviews; however, he is requesting that approval of this project not be based on further studies. Slavin stated PAMF is ready to proceed and has adequate funding to proceed in a timely manner. Slavin explained the hours of operation from 7 a.m. to 7 p.m. are needed in order to care for patients. Slavin stated the Sunnyvale Municipal Code allows for Saturday construction and they are requesting Council not place any restrictions on that option as PAMF wishes to complete construction of this facility as quickly as possible.

Councilmember Whittum inquired about persistent proximate exposure and how the CO calculation will affect the residents who live next door. Councilmember Whittum verified with Mahlstedt that the CO modeling was done at locations all around the property line and into the neighborhood. Councilmember Whittum verified that with Mahlstedt that the California State Standards are designed to address health issues and the most sensitive population groups.

Councilmember Whittum stated the City has a general plan policy requiring developments must be compatible with adjacent land uses. Snyder responded the proposed land use is compatible with adjacent land uses as medical uses have been on the site for nearly 50 years.

Councilmember Hamilton inquired as to when construction would begin should this project be approved and Slavin responded it would take a minimum of six to nine months to complete the necessary processes in order to begin construction. Councilmember Hamilton verified with Snyder that his best guess regarding demolition is that it would begin sometime early next year.

Councilmember Howe inquired if Palo Alto Medical Foundation promised to install opaque glass on second and third story windows and Snyder stated they did not make that promise. Councilmember Howe inquired if staff attended the meetings and Director Hom responded that he did attend the meetings between the neighbors and PAMF and the installation of obscure glass was discussed for the third story only.

Councilmember Howe inquired if Slavin is aware of any financial issues with proceeding with this project. Slavin stated he is optimistic that they will receive the funding needed in order to start this project next spring. Councilmember Howe verified that Sutter Health will not commit to funding until an approval is received from the City. Once approval is received, Slavin stated he will go before the Sutter Health Board of Directors and request funding.

Councilmember Swegles verified with Slavin that PAMF does not have any concerns with any of the Planning Commission conditions of approval.

Councilmember Chu inquired if it would be possible to relocate the exhaust fans to another location. Snyder stated they could be relocated to the northeast corner; however, as staff indicated there would be a loss of seven to nine parking spaces (three spaces per level), and parking is a concern to the neighborhood.

Councilmember Chu verified with Snyder that if Council made the installation of opaque glass on the second floor, it would be a significant issue for PAMF. If this is a major issue for Council, PAMF would agree to work with staff; however, views will be blocked with the current plan by the eight foot sound wall and the proposed vegetation. Councilmember Chu verified with Snyder that 10 foot redwood trees are planned for the landscaping buffer; however, PAMF is willing to work with the neighbors and staff regarding the most appropriate buffer for that area.

Director Hom added that a condition of approval already exists requiring PAMF to work with the neighbors on the selection of the trees. Director Hom stated an evergreen tree might be more suitable.

Councilmember Whittum verified with Snyder that PAMF would work with the neighbors regarding the tree debris that would fall on the neighbor's side of the property.

Councilmember Whittum inquired about traffic issues on Olive and Manager Witthaus responded staff did review traffic data and used that to guide conditions of approval.

Councilmember Whittum inquired about the background conditions used to assess impact on traffic and Manager Witthaus deferred to the traffic consultant.

Vice Mayor Moylan stated as a point of order that these are staff questions and requested the public hearing be closed prior to continuation of staff questioning.

Councilmember Whittum stated asking questions during the public hearing allows the applicant the ability to comment.

Councilmember Hamilton inquired what type of mitigation efforts will be made on site to mitigate construction noise and Snyder responded the general contractor is required to provide a construction management plan, which has been detailed with staff. Councilmember Hamilton verified with Snyder that they would work with staff to address all of the concerns over construction noise, including noise levels that are below what the current policy allows, but the noise could still be disturbing residents.

Councilmember Hamilton verified with Snyder that the vents will be turned on for a maximum of 10 to 15 minutes per hour.

Councilmember Whittum inquired if closing Bayview and Carroll and installing the left turn on southbound Sunnyvale would be advantageous to PAMF's overall square footage. Snyder responded they consulted their traffic consultant, and it is the consultant's opinion that closing Bayview would increase traffic on Carroll and Central; therefore, PAMF is not in favor of closing Bayview. Snyder stated having the ability to design a larger facility would not be advantageous to PAMF.

Public Hearing closed at 10:39 p.m.

Vice Mayor Moylan inquired about the suggestions that have been made regarding inaccuracies in the EIR and questioned staff for their opinion. Vice Mayor Moylan also asked City Attorney David Kahn if the EIR meets the California Environmental Quality Act (CEQA) and would the EIR be able to be certified. Director Hom explained the EIR is exhaustive for a project of this size and staff's conclusion is that the EIR is an adequate document for Council to use to make a decision on this project.

Vice Mayor Moylan inquired if staff could provide brief responses to the issues with the EIR that have been brought up by the speakers. Director Hom responded to concerns over noise and air quality and stated that staff does not believe there will be significant impacts from the noise or air quality. Additionally, mitigation efforts are in place to address noise and air quality concerns. Director Hom stated the air quality standard is below state standards for carbon monoxide (CO) emissions.

Manager Witthaus explained that as a rule, staff follows the Santa Clara Valley Transportation Authority guidelines when performing a traffic impact analysis. These guidelines are utilized by all jurisdictions in Santa Clara County to provide a uniform methodology for analyzing traffic impacts. The traffic analysis was reviewed by the VTA and no objections were made. Manager Witthaus stated staff went beyond the scope in looking at streets to the north and other traffic areas. He stated he can attest to the fact that the traffic study meets the requirements for CEQA and the regional requirements.

John Schwartz, City of Sunnyvale's EIR consultant, explained that the traffic analysis does not answer every question for every neighbor. CEQA guidelines provide mitigation efforts to address issues; however, there are always small imperfections such as typographical errors in the reports but that is not grounds for calling the report inadequate under CEQA.

Vice Mayor Moylan inquired if City Attorney Kahn agreed with the EIR consultant and City Attorney Kahn responded that the CEQA consultant for the City did a good job of expressing what the Council's role is and what should be reviewed. City Attorney Kahn responded that the approval or disapproval of the EIR is not subject to the opinion of the EIR consultant or the city attorney; rather it is up to Council to determine that the impact disclosures have been made. City Attorney Khan stated it is his opinion that the EIR does disclose the impacts as required under CEQA law; however, Council is the ultimate fact finder in relation to approving the EIR.

Councilmember Whittum inquired about construction noise contours and the Sunnyvale noise element. The noise consultant explained the dBA difference with windows closed and opened. Councilmember Whittum distributed a copy of the California standards and discussed with the noise consultant regarding dBA's and how the nose will affect the neighbors. Councilmember Whittum stated that according to the information he received from staff, there are 16 homes that would exceed the City's adopted standard for interior of 45 dBA with the windows closed. Councilmember Whittum stated 38 homes would exceed the dBA if their windows were open. Councilmember Whittum concluded that 16 homes will need assistance with windows and air conditioning, and 38 homes which will need a fresh air supply source; therefore 54 homes will need retrofitting. Councilmember Whittum and the noise consultant continued discussion regarding noise issues.

Councilmember Whittum discussed with Manager Witthaus and Schwartz the traffic analysis.

Councilmember Howe verified with Director Hom that this project would be valid for three years with an allowance of two, one-year extensions for a total of five years to vest the project. Director Hom explained that vesting the project would require applying for necessary permits and improvements on the site. The applicant would have five years for the overall start of construction.

Councilmember Howe verified with Director Hom that construction hours are applied citywide regardless if the project is commercial in nature or not. However, Council has the discretion to limit construction hours on a case by case basis.

Councilmember Howe verified with Director Hom that relocation of the vents anywhere on the site would result in a similar impact and the difference would be negligible. Councilmember Howe verified with Director Hom that if the vents were relocated, an additional EIR would not be required as long none of the mechanism changed. Councilmember Howe verified with Director Hom that location of the vents on Old San Francisco Road would allow for them to be further away from the residential district; create less of an environmental impact, and less of a problem meeting the City's noise standards for residential development.

Councilmember Hamilton verified with Director Hom that an acceptable standard for the noise standard for dBC has not been set; however, this issue will be an upcoming study issue.

Councilmember Hamilton inquired about the traffic counts contained in the EIR and questioned if they were done before or after the previous facility was closed. One of the transportation consultants, who worked on the EIR, responded that the counts were collected when the facility was in full operation and again when the facility was in about 20 percent operation.

Councilmember Hamilton verified with Director Hom that a light management plan could be included as a condition of approval with lights going off at a certain time. Director Hom explained that the Planning Commission suggested mechanized window covering which is another option.

Councilmember Hamilton verified with Director Hom that the term opaque means solid and the correct term is obscure glass. Director Hom explained that one solution would be to have obscure glass to eye level with clear glass above that in order to allow natural light into the second floor as well.

MOTION: Councilmember Hamilton moved and Councilmember Chu seconded the motion, to use as a baseline the Planning Commission recommendation of Alternatives: 1, 3, 5, 8a, 8b, 10 and 11:

Alternative 1: Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting program.

Alternative 3: Approve maintaining the existing zoning designation of R-2/0/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning.

Alternative 5: Approve the Special Development Permit with the attached findings and conditions of approval.

Alternative 8a: Direct staff to study neighborhood traffic calming, **including closure options**, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the applicant/developer shall be responsible for the <u>additional</u> cost (up to \$200,000) to design and construct the City-approved street modifications, including cul-de-sac construction if deemed necessary, on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (between Old San Francisco Road and Jarvis Court).
- The applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.

Alternative 8B: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with modified conditions of approval.

Alternative 10: Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road. If a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

Alternative 11: If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009;

with several modifications:

- Regarding the Planning Commission's added condition of approval, delete the suggestion of mechanized window coverings and substitute with a light management plan, which would require the building to have lights off after 8 p.m. or an hour after operating hours, but leave the details up to staff;
- Require as much as feasible the construction noise plan to include DBA versus DBC standards:
- Include a conditional approval for the second story to have opaque glass until it can
 be revisited when the building is under construction; and to direct staff to come back
 with a plan as to whether is should come back as public hearing item or if it would be
 subject to the approval of the Director of Community Development, and
- Include a condition of approval to look at moving the vents in parking garage or direct staff to work with the applicant to look into moving the parking garage vents.

Councilmember Hamilton clarified with Councilmember Whittum that her motion included the Planning Commission recommendations for Alternatives 1, 3, 5, 8a, 8b, 10 and 11 with 4 additional changes; one change in planning commission to replace mechanized window coverings with a light management plan and the other three had to do with a construction plan, opaque glass, and moving the vents; with some amendments.

Councilmember Whittum stated he will speak against Alternative 1 at the appropriate time.

Councilmember Swegles stated he will not support the motion. Councilmember Swegles explained to Councilmember Hamilton that the Planning Commission also approved Alternatives 9a and 9b. Councilmember Hamilton stated 8a and 9a are contradictory. Councilmember Swegles read the Planning Commission minutes to Councilmember Hamilton. Councilmember Swegles stated he supports the Planning Commission recommendation and will not support Councilmember Hamilton's motion.

Councilmember Chu referred to page 17 of 20 of the staff report and explained to Councilmember Hamilton that the Planning Commission recommendations included all sorts of different options in case Council chose another option. Councilmember Chu commented that Councilmember Hamilton intended to choose Alternative 6 instead of Alternative 5 and Councilmember Hamilton agreed.

Councilmember Hamilton amended her motion to clarify that she intends inclusion of Item 6 not 5.

Restated MOTION: Councilmember Hamilton moved and Councilmember Chu seconded the motion, to use as a baseline the Planning Commission recommendation of Alternatives: 1, 3, 6, 8a, 8b, 10 and 11:

Alternative 1: Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting program.

Alternative 3: Approve maintaining the existing zoning designation of R-2/0/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning.

Alternative 6: Approve the Special Development Permit with modified findings and conditions of approval.

Alternative 8a: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the
 applicant/developer shall be responsible for the <u>additional</u> cost (up to \$200,000) to
 design and construct the City-approved street modifications, including cul-de-sac
 construction if deemed necessary, on S. Bayview Avenue (between Kenney Court
 and Old San Francisco Road) and on Carroll Street (between Old San Francisco
 Road and Jarvis Court).
- The applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.

Alternative 8B: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with modified conditions of approval.

Alternative 10: Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road. If a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

Alternative 11: If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009:

with several modifications:

- Regarding the Planning Commission's added condition of approval, delete the suggestion of mechanized window coverings and substitute with a light management plan, which would require the building to have lights off after 8 p.m. or an hour after operating hours, but leave the details up to staff;
- Require as much as feasible the construction noise plan to include DBA versus DBC standards:
- Include a conditional approval for the second story to have opaque glass until it can be revisited when the building is under construction; and to direct staff to come back

- with a plan as to whether is should come back as public hearing item or if it would be subject to the approval of the Director of Community Development, and
- Include a condition of approval to look at moving the vents in parking garage or direct staff to work with the applicant to look into moving the parking garage vents.

Director Hom explained that the Planning Commission did recommend Alternative 8a, but they also wanted to put in a condition to do bulb-outs as reflected in Alternative 9a and placed that section into Alternative 8a.

Director Hom explained the Planning Commission recommended five conditions, at the bottom of page 14 and also page 15. Director Hom suggested Council comment as to whether they wish to include any of the five modified conditions from the Planning Commission as listed on pages 14 and 15 of the staff report

Councilmember Hamilton stated she was aware of the five modified conditions but only wanted to modify the mechanized windows.

Councilmember Chu offered a friendly amendment to consider a mid-block crosswalk near whatever traffic calming may occur or traffic blockage that may occur on Bayview.

Councilmember Hamilton stated she would prefer that be part of the traffic calming and supply direction to staff when they deal with the details of the traffic study and resulting traffic measures. Councilmember Hamilton explained that her motion included the Planning Commission conditions of approval as listed on pages 14-15 of the staff report. All five modifications were incorporated in her motion except for the mechanized window coverings.

Councilmember Chu offered a friendly amendment to include relocation of the exhaust fans and a minor deviation in the parking requirement, up to a reduction of nine parking spaces.

Councilmember Hamilton explained that was also part of the motion, except that it did not include the number of parking spaces. Councilmember Hamilton amended the motion to include that the number of parking spaces could be reduced by nine spaces.

Director Hom explained that a condition of approval already exists which will allow the applicant to relocate the vents and reduce the parking by up to eighteen parking spaces.

Councilmember Chu offered a friendly amendment to include that the neighborhood traffic calming study to include Central and Olive.

Councilmember Hamilton accepted the friendly amendment.

Councilmember Chu offered a friendly amendment to request to VTA that the bus routes be reviewed for possible re-routing, and that if possible, a smaller community bus be used for that route.

Councilmember Hamilton accepted the friendly amendment.

Restated Motion#2: Councilmember Hamilton moved and Councilmember Chu seconded the motion, to use as a baseline the Planning Commission recommendation of Alternatives: 1, 3, 6, 8a, 8b, 10 and 11:

Alternative 1: Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting program.

Alternative 3: Approve maintaining the existing zoning designation of R-2/0/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning.

Alternative 6: Approve the Special Development Permit with modified findings and conditions of approval.

Alternative 8a: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the
 applicant/developer shall be responsible for the <u>additional</u> cost (up to \$200,000) to
 design and construct the City-approved street modifications, including cul-de-sac
 construction if deemed necessary, on S. Bayview Avenue (between Kenney Court
 and Old San Francisco Road) and on Carroll Street (between Old San Francisco
 Road and Jarvis Court).
- The applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City-approved street modification on S. Bayview Avenue (between Old San Francisco Road and Jarvis Court). Plans shall be submitted to the Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.

Alternative 8B: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with modified conditions of approval.

Alternative 10: Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road. If a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

Alternative 11: If Alternatives 8a, 8b, 9a, 9b and/or 10 are approved, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009;

with several modifications:

• Regarding the Planning Commission's added condition of approval, delete the

- suggestion of mechanized window coverings and substitute with a light management plan, which would require the building to have lights off after 8 p.m. or an hour after operating hours, but leave the details up to staff;
- Require as much as feasible the construction noise plan to include DBA versus DBC standards:
- Include a conditional approval for the second story to have opaque glass until it can
 be revisited when the building is under construction; and direct staff to come back
 with a plan as to whether is should come back as public hearing item or if it would be
 subject to the approval of the Director of Community Development;
- Include a condition of approval to look at moving the vents in parking garage or direct staff to work with the applicant to look into moving the parking garage vents.
- Request to VTA that the bus routes be reviewed for possible re-routing, and if possible, a smaller community bus should be used for that route;
- Include as a condition of approval the relocation of the exhaust fans away from the residential area along with a minor deviation in the parking requirement, up to a reduction of nine parking spaces, and
- Include that the neighborhood traffic calming study include Central and Olive.

Councilmember Whittum stated the cost of retrofitting 16 homes is feasible compared to the cost of the project and should be included in the final EIR. Councilmember Whittum stated Council cannot adopt the Statement of Overriding Considerations when there are feasible mitigations available. Councilmember Whittum stated the site is not well connected to the roadway network and approval of this project would be a violation of the City's General Plan.

Councilmember Whittum stated he opposes the motion and explained that waiting on this project would be best for the project and the neighborhood. Councilmember Whittum stated the EIR should be revised to reflect what has been discussed this evening along with providing the best noise mitigation for construction noise, and inclusion of a left-hand turn on Sunnyvale Avenue.

Councilmember Whittum clarified with Councilmember Hamilton that the motion includes moving the northeast exhaust vent south away from residents. Councilmember Hamilton agreed that was included.

Councilmember Whittum inquired if the north side wall could stop a car and Director Hom explained the mitigation effort dictates that a sound wall must be in place and the condition of approval dictates that it must be a decorative masonry wall.

Councilmember Whittum offered an amendment to add obscure glass on second floor.

Councilmember Hamilton stated what was included in the motion was a plan for staff to bring the window issue back to Council once the building is under construction.

FORMAL AMENDMENT: Councilmember Whittum requested to use obscure glass or other items such as louvers on the second and third floors.

Councilmember Hamilton responded that the third floor is already using frosted glass.

Councilmember Whittum modified his formal amendment to be only for the second floor.

Restated FORMAL AMENDMENT: Councilmember Whittum requested to use obscure glass or other items such as louvers on the second floor.

Formal Amendment failed for lack of a second.

Director Hom requested clarification as to whether the obscure glass issue should come back to the Planning Commission, City Council or left to the discretion of the Community Development Director. Councilmember Hamilton stated it could go either way but she would defer to her colleagues. The original intent of the motion was for staff to bring a plan to Council, which would be part of the recommendation.

FORMAL AMENDMENT: Councilmember Whittum offered an amendment to limit truck deliveries to regular business hours of operation.

Formal Amendment failed for lack of a second.

Director Hom stated staff can research the municipal code to see if it allows the flexibility to define specific hours of operation for a project.

FORMAL AMENDMENT: Councilmember Whittum offered an amendment that no construction occurs on Saturdays.

Formal Amendment failed for lack of a second.

FORMAL AMENDMENT: Councilmember Whittum offered an amendment to limit to hours of operation from 8 am to 6 pm.

Formal Amendment failed for lack of a second.

Vice Mayor Moylan stated he opposes the motion. Vice Mayor Moylan stated he does not have any issues with the mitigation. Vice Mayor Moylan requesting retrofitting windows is an unreasonable mitigation for a temporary situation. Vice Mayor Moylan explained the representative from the school stated they were fine with the project and yet several speakers stated they were speaking on behalf of the school and opposed the project. Vice Mayor Moylan stated it is not Council's position to second guess the funding for a project that is before them for approval. Vice Mayor Moylan stated he could support the staff recommendation or the Planning Commission recommendation. Vice Mayor Moylan stated he is against blocking off the streets. Traffic does not go away, it goes elsewhere. Vice Mayor Moylan stated he does not agree with removing parking spaces because they are needed and not a single car should be parking on the neighborhood streets. The City has a policy in place that requires every project to have enough parking for their customers.

Councilmember Chu spoke about plans for rerouting for the bus lines out of the residential area.

Councilmember Chu stated the Mountain View facility has not had any street parking issues and explained that removing 18 parking spaces would leave Sunnyvale's parking ratio very similar to Mountain View. Councilmember Chu stated he supports the motion.

Councilmember Howe verified with Director Hom that a lighting plan would deal with the spill over of nighttime lighting into the residential areas. Director Hom explained the various options that could be considered for minimizing light spillage from the offices in to the neighborhood.

Councilmember Howe stated he will support the motion and spoke of the need for this medical clinic in the City. Councilmember Howe stated the exhaust fans need to be moved.

Councilmember Hamilton responded to Vice Mayor Moylan that she is not suggesting retrofitting of any homes. Councilmember Hamilton spoke in support of PAMF and the project. Councilmember Hamilton explained the challenge is to find a balance. Councilmember Hamilton stated she is not sure about the street closures; however, she is willing to keep that option open after the left turn lane has been discussed further and the traffic studied. Councilmember Hamilton expressed it is important to keep the operating hours open from 7 a.m. to 7 p.m.

VOTE:3-4 (Councilmembers Whittum, Swegles, Vice Mayor Moylan, and Mayor Spitaleri dissented)

Motion failed.

MOTION: Councilmember Swegles moved and Vice Mayor Vice Mayor Moylan seconded to approve the Planning Commission's recommendations.

Councilmember Swegles stated most of what Councilmember Hamilton asked for is contained in this motion with the exception of moving the exhaust vans.

Councilmember Swegles stated the mechanized window coverings are important because when the janitorial services are working in the evening, they will need to turn on lighting and that will shine into the neighborhood. Timed window covering is a much better idea.

Councilmember Hamilton requested clarification of the motion.

Councilmember Swegles, clarified that the motion is to approve the Planning Commission recommendations in their minutes for Alternatives 1, 3, 8a, 11 and/or Alternative 10: Alternative 1: Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting program.

Alternative 3: Approve maintaining the existing zoning designation of R-2/0/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning.

Alternative 8a: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the
 applicant/developer shall be responsible for the <u>additional</u> cost (up to \$200,000) to
 design and construct the City-approved street modifications, including cul-de-sac
 construction if deemed necessary, on S. Bayview Avenue (between Kenney Court
 and Old San Francisco Road) and on Carroll Street (between Old San Francisco
 Road and Jarvis Court).

Alternative 10: Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road:

with If a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

Alternative 11: If Alternatives 8a, or 8b, or 9a, or 9b and/or 10 are approved, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009;

with modifications to the conditions of approval:

- Add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.
- Add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- Add a condition that the applicant work with staff and the Director of Community
 Development to evaluate a modification to the north wall of the parking structure,
 preferably a solid wall or other acoustic attenuation on the first floor to reduce noise;
- Add a condition (12.C) that the applicant be required to provide mechanized window coverings on timers on the first, second and possibly third story windows to prevent evening light towards the residential community;
- Add a condition that the applicant considers with staff the addition of a mid-block crosswalk with in ground sensor lighting on S. Bayview Avenue.

Councilmember Hamilton verified with Councilmember Swegles that the additional amendments contained in her previous motion are not included in this motion.

Councilmember Hamilton requested a friendly amendment to include in the motion a conditional approval for the second story to have opaque glass until it can be revisited when the building is under construction; and to direct staff to come back with a plan as to whether is should come back as public hearing item or if it would be subject to the approval of the Director of Community Development.

Councilmember Swegles accepted the friendly amendment but not as a condition of approval, but instead as direction to staff allowing them the opportunity to return to Council if they identify a privacy issue during construction. Should a privacy issue become identified, staff would then return to Council with a mitigation plan for review.

Councilmember Hamilton offered a friendly amendment to replace the mechanized window coverings with a lighting plan because that would allow PAMF more options than only using mechanized window coverings.

Councilmember Swegles stated he would accept the amendment as long as it is not considered to be a mandatory condition. Councilmember Swegles clarified that he will approve a modified amendment allowing staff to look at the privacy issue and come back with other alternatives should the mechanized window coverings not be the best solution.

Councilmember Hamilton agreed.

Councilmember Whittum stated he will make a formal amendment to move the exhaust vent south 20 feet, which would sacrifice a few parking spaces.

FORMAL AMENDMENT: Councilmember Whittum offered a formal amendment and Councilmember Chu seconded to move the northeast exhaust vent south 20 feet.

VOTE: 3-4 (Councilmember Swegles, Vice Mayor Moylan, Mayor Spitaleri, and Councilmember Howe dissented)

Formal Amendment failed.

FORMAL AMENDMENT: Councilmember Whittum offered an amendment to enable the noise disturbance coordinator to provide rated windows for up to 16 Homes within the 70 dBA contour including make up air retrofit as determined if needed, by the noise disturbance coordinator.

Councilmember Whittum explained the cost of doing this work would be under \$200,000 for a 120 million dollar project.

Formal Amendment failed for lack of a second.

Councilmember Chu offered a friendly amendment that the traffic calming study include the streets of Olive and Central.

Councilmember Swegles accepted the friendly amendment.

Councilmember Chu offered a friendly amendment to request VTA look at re-routing their buses or use a smaller community bus for their routes in this area.

Councilmember Swegles stated he did not know how effective that would be, but accepted the friendly amendment.

Councilmember Whittum spoke against the motion and stated that by approving this motion, Council would be accepting that all feasible mitigation measures and alternatives have been adopted, which is explicitly not correct. Councilmember Whittum stated Council will not be doing the applicant any favors if the flawed EIR is approved. The project could actually be delayed instead of advanced. Councilmember Whittum stated no harm would be created by waiting in order to investigate the left-hand turn off Sunnyvale Avenue.

Restated MOTION: Councilmember Swegles, clarified that the motion is to approve the Planning Commission recommendations contained in their minutes for Alternatives 1, 3, 8a, 11 and/or Alternative 10:

Alternative 1: Adopt a resolution recommending certification of the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting program.

Alternative 3: Approve maintaining the existing zoning designation of R-2/0/PD (Low-Medium Density Residential with an Office/Planned Development Combining District) and do not approve the rezoning.

Alternative 8a: Direct staff to study neighborhood traffic calming, including closure options, for S. Bayview Avenue and Carroll Street with the following conditions of approval:

- The applicant/developer shall contribute up to \$50,000 to the City that shall be used to design and construct neighborhood traffic calming measures, including street closure options, on nearby residential streets. These funds shall be deposited with the City prior to submittal of building permits. Any unexpended or uncommitted funds remaining after three years from the date of deposit shall be refunded to the applicant/developer.
- If the City determines that full or partial street closures are necessary, the
 applicant/developer shall be responsible for the <u>additional</u> cost (up to \$200,000) to
 design and construct the City-approved street modifications, including cul-de-sac
 construction if deemed necessary, on S. Bayview Avenue (between Kenney Court
 and Old San Francisco Road) and on Carroll Street (between Old San Francisco
 Road and Jarvis Court).

Alternative 10: Direct staff to prepare a preliminary engineering feasibility analysis of providing a left turn from southbound Sunnyvale Avenue to eastbound Old San Francisco Road:

with If a left turn traveling south on Sunnyvale Avenue is not allowed, with this being the preferable option, that a second option be considered to allow a U-turn traveling south on Sunnyvale Avenue (at El Camino Real).

Alternative 11: If Alternatives 8a, or 8b, or 9a, or 9b and/or 10 are approved, direct staff to meet further with the neighborhood and return to the City Council with a status report or study results no later than December 2009;

with modifications to the conditions of approval:

- Add a condition (15.A.3) that the applicant/developer shall be fully responsible for the cost to study, design, and construct bulb-outs or another City Approved street modification on S. Bayview Avenue (between Kenney Court and Old San Francisco Road) and on Carroll Street (Director of Public Works for review and approval prior to building permit issuance for building shell(s), and shall be installed prior to approval of occupancy.
- Add a condition that the applicant investigate with staff the concept of an employee exit on the southeast corner of the building on 301 Old San Francisco Road onto the corner of S. Bayview Avenue and Old San Francisco Road;
- Add a condition that the applicant work with staff and the Director of Community
 Development to evaluate a modification to the north wall of the parking structure,
 preferably a solid wall or other acoustic attenuation on the first floor to reduce noise:
- Add a condition (12.C) that the applicant be required to provide mechanized window coverings on timers on the first, second and possibly third story windows to prevent evening light towards the residential community;
- Add a condition that the applicant consider with staff the addition of a mid-block crosswalk with in ground sensor lighting on S. Bayview Avenue;

with the following additions:

- Allow a conditional approval for the second story of the facility to have opaque glass until the issue can be revisited when the building is under construction; and to direct staff to come back to Council with a mitigation plan for review;
- Direct staff to investigate any lighting issues from the windows at the PAMF facility.
 Should the mechanized window coverings prove not be the best solution, staff shall return to Council with other alternatives:
- Approve the inclusion of Olive Avenue and Central in the traffic calming study, and
- Request staff to contact the VTA to review re-routing their buses, or possibly use a smaller community bus for their routes in this area.

VOTE: 6-1 (Councilmember Whittum dissented)

Mayor Spitaleri called for a recess at 11:50 p.m.

Mayor Spitaleri reconvened the Council meeting at 12:03 a.m.

4. RTC 09–168 Adoption of the FY 2009/2010 Budget, Fee Schedule, and Appropriations Limit

Budget Analyst Drew Corbett presented the staff report.

Mayor Spitaleri explained that a public hearing on this item was held on June 2, 2009 and therefore, a public hearing will not be opened this evening.

One speaker was present who stated he was not notified of the public hearing on June 2, 2009. Mayor Spitaleri responded the city manager will respond to the speaker's concerns.

Councilmember Whittum inquired about Park Dedication Fees and asked if the fees could be raised. Director of Finance Mary Bradley explained the fees are based on the square footage. Director of Community Services David Lewis stated the current fees are set by ordinance and in order to raise the fees, a new ordinance would have to be drafted and brought before Council.

MOTION: Councilmember Chu moved and Councilmember Swegles seconded to amend the resolution to change the Apartment Inspection Fee from \$271 to \$173 for three through eight unit complexes.

Councilmember Chu disclosed he owns rental property in the City of Sunnyvale.

VOTE:7-0

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to continue to sign off fix-it tickets for Sunnyvale residents at no charge.

Vice Mayor Moylan stated he will oppose the motion as it is a violation of the City's policy to recover costs and sets a bad precedence.

FORMAL AMENDMENT: Councilmember Chu offered an amendment and Councilmember Howe seconded to increase the fee for non-residents to cover the cost of making it free for the residents.

Councilmember Hamilton stated she will not support the amendment as it will not be a break-even proposition because it will discourage non-residents.

VOTE: 3-4 (Councilmember Whittum, Vice Mayor Moylan, Mayor Spitaleri and Councilmember Hamilton dissented)

Formal Amendment failed.

Restated MOTION: Councilmember Howe moved and Councilmember Chu seconded to waive the fix-it ticket fee, the full \$6,500, for residents.

VOTE: 5-2 (Vice Mayor Moylan and Councilmember Hamilton dissented)

MOTION: Councilmember Swegles moved and Councilmember Howe seconded to approve the resolution to adopt the FY 2009/2010 Recommended Budget, Fee Schedule, and Appropriations Limit as presented in the staff report;

and as amended:

Waive the fix-it ticket fee, for the full \$6,500, for residents.

FORMAL AMENDMENT: Councilmember Whittum moved to strike the \$90,000 a year cost for postage for mailing the Quarterly Report.

Formal Amendment failed for lack of a second.

FORMAL AMENDMENT: Councilmember Whittum moved to cut \$9,700 for Council speech writing.

Formal Amendment failed for lack of a second.

FORMAL AMENDMENT: Councilmember Whittum moved to save \$20,000 by removing the Resident Satisfaction Survey.

Formal Amendment failed for lack of a second.

FORMAL AMENDMENT: Councilmember Whittum moved to save \$55 million by cutting the Mary Avenue Bridge project.

Formal Amendment failed for lack of a second.

FORMAL AMENDMENT: Councilmember Whittum moved and Councilmember Swegles seconded to amend the main motion to allocate \$5,000 to Junior Achievement.

Director of Finance Mary Bradley explained that Council could utilize funds from the \$59,000 in block grant funds, which were previously freed up.

Revised FORMAL AMENDMENT: Councilmember Whittum moved and Councilmember Swegles seconded to amend the main motion to allocate \$5,000 to Junior Achievement. Funding to come from the \$59,000 freed up by use of block grant funds.

VOTE: 5-2 (Vice Mayor Moylan and Councilmember Howe dissented)

FORMAL AMENDMENT: Councilmember Whittum moved and Councilmember Hamilton to add the expenditure of \$20,000 for Community Events back into the budget, with funding to come out of the community development block grant funds.

Councilmember Howe verified with Analyst Corbett that the budget stabilization fund will close with \$34 million at the end of the year, with the low point at approximately \$11 million. Councilmember Howe stated approval of this item is tapping into funding that the City does not have.

VOTE: 4-3 (Councilmember Swegles, Vice Mayor Vice Mayor Moylan and Councilmember Howe dissented).

Councilmember Chu verified with Mayor Spitaleri that the issue regarding Council possibly taking a voluntary stipend reduction will be discussed at the July 14 Council meeting.

Councilmember Whittum stated he does not agree with the financial plan of selling some areas within the City and he will oppose those issues in the future. Councilmember Whittum stated a good job was done by staff on the budget.

Restated MOTION: Councilmember Swegles moved and Councilmember Howe seconded to approve the resolution to adopt the FY 2009/2010 Recommended Budget, Fee Schedule, and Appropriations Limit as presented in this report; and as amended:

- Council to waive the fix-it ticket fee, for the full \$6,500, for residents.
- Council allocates \$5,000 to Junior Achievement. Funding to come from the \$59,000 block grant funds previously freed up.
- Council adds an expenditure of \$20,000 for Community Events back into the budget, with funding to come out of the community development block grant funds.

VOTE: 7-0

5. RESOLUTION RTC 09–156

Resolution Considering Amendment and Restatement of the Rate and Method of Apportionment of Special Tax and Changes to the Boundary Map for City of Sunnyvale Community Facilities District Number 1

Redevelopment Manager Brice McQueen presented the staff report.

Public Hearing opened at 12:26 p.m.

No speakers.

Public Hearing closed at 12:26 p.m.

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve Alternative 1: Adopt a Resolution of the City Council of the City of Sunnyvale Considering Amendment and Restatement of the Rate and Method of Apportionment of Special Tax and Changes to the Boundary Map for the City of Sunnyvale Community Facilities District Number 1 and authorizing and directing certain actions with respect thereto.

VOTE: 7-0

6. RTC 09–166 Proposed Public Art for Target Corporation, Downtown Sunnyvale

Arts Supervisor Diane Moglen presented the staff report.

Councilmember Swegles verified with the city manager this item is coming from the Target Corporation.

Vice Mayor Moylan inquired if this is the last day this can be approved. Vice Mayor Moylan stated this is a very important project and he recommended the item be turned over to the City's Art Commission for feedback prior to Council voting on this item. Vice Mayor Moylan verified with Moglen the importance of this art project moving forward at this time. Supervisor Moglen added that Target would like to get started on this project as soon as possible.

Public Hearing opened at 12:36 p.m.

No speakers.

Public Hearing closed at 12:36 p.m.

MOTION: Councilmember Howe moved and Councilmember Swegles seconded to approve Alternative 1: Approve the proposed artwork as it is presented with the two street trees eliminated from the approved landscape plans and with the following two conditions of approval:

- a. An updated site map (showing the final artwork footing placements), final landscaping plans and final lighting plans shall be submitted for review and approval by the Project Planner and the Visual Arts Coordinator prior to installation of the artwork to ensure there are no conflicts that will impair the visibility of the artwork and that there is adequate lighting of the artwork after dark.
- b. A final accounting of eligible costs with documentation provided by Target Corporation will be submitted to the Visual Arts Coordinator prior to the completion of the project to ensure the 1 percent expenditure has been met.

VOTE: 7-0

7. RESOLUTION Fair Oaks Avenue Underground Utility District - Phase II - Public RTC 09-159 Hearing

Assistant Director of Public Works Mark Rogge presented the staff report.

Public Hearing opened at 12:38 p.m.

No speakers.

Public Hearing closed at 12:38 p.m.

MOTION: Councilmember Howe moved and Councilmember Chu seconded to approve Alternative 1: Approve the resolution forming the Fairoaks Avenue Underground Utility District – Phase II. This action would prompt PG&E to design and implement relocation of overhead utilities underground along with removal of the related utility poles in the subject area.

VOTE: 7-0

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL (IGR) COMMITTEE ASSIGNMENTS

Councilmember Swegles stated as a committee member of the Housing and Economic Development Policy for the Housing and Human Services, he needs a consensus from City Council on some items as this committee will be meeting and voting on various items soon.

Councilmember Swegles verified with Assistant City Manager Robert Walker that staff will review City policies on wind energy and will respond to Councilmember Swegles prior to his need to vote on this item. Councilmember Swegles explained he has another item and will give this information to staff and ask that they review it and respond with any items that the City would not support, prior to his policy meeting. Assistant City Manager Walker agreed.

Vice Mayor Moylan added that the Intergovernmental Relations (IGR) support staff person is supposed to notify Councilmembers as to whether a City policy exists on the specific item. Vice Mayor Moylan stated if a policy does not exist, then the Councilmember is free to vote how they best view the situation.

NON-AGENDA ITEMS & COMMENTS

COUNCIL:

Councilmember Whittum announced that the San Jose Business Journal ran an article regarding the Sunnyvale city manager.

Councilmember Whittum stated Council received a medical marijuana cooperative inquiry and he would like be included in the staff response and follow up on this issue.

Councilmember Whittum requested staff investigate the ability to obtain a public access phone for the City.

Councilmember Howe stated a report to Council regarding Determine Enforceability of Covenants, Conditions and Restrictions (CC&R's) for Violations to City Code and Project Approval was submitted to Council in the information only section of the agenda; however, Councilmember Howe stated he had previously requested this item come back to Council for discussion and action. Councilmember Howe requested this item be added to the next Council meeting agenda for Council discussion and also for a decision on whether to send this item directly to the Planning Commission for action; or to send it to the Planning Commission for a recommendation and then return to Council for final decision.

City Manager Gary Luebbers stated he will place this item on the Planning Commission's agenda and Councilmember Howe agreed.

Mayor Spitaleri stated that the election committee consists of Councilmembers Chu, Howe, and Swegles. Mayor Spitaleri reminded the election committee of their responsibilities which include developing the ethics mailer, organizing election debates if needed, and the last night event.

Councilmember Whittum inquired as to when the committee was selected because he was unaware of any such selection. Mayor Spitaleri responded that approximately two months ago he requested those interested in serving on this committee let him know. Councilmember Howe notified the Mayor that the committee will meet soon.

STAFF: None.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission meeting of May 21, 2009
- Draft Minutes of the Joint Arts Commission and Parks and Recreation Commission meeting of May 20, 2009
- RTC 09-162 Planning Commission meeting draft summary minutes of June 8, 2009
- RTC 09-157 Trumark/Luminaire Diesel Particulate Matter Analysis (Information Only)
- RTC 09-164 Follow-up to Council Study Issue (RTC 09-090): Determine Enforceability of CC&Rs for Violations to City Code and Project Approvals

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

Mayor Spitaleri adjourned the Council meeting to t 12:48 a.m.	he Sunnyvale Redevelopment Agency meeting at
Kathleen Franco Simmons City Clerk	Date